

**Senate Standing Committee on Education Employment and Workplace  
Relations**

**QUESTIONS ON NOTICE  
Budget Estimates 2011-2012**

**Agency - Australian Building and Construction Commission**

**DEEWR Question No.EW0126\_12**

**Senator Cameron provided in writing.**

**Question**

**S.52 Notices**

If it is the case that s.52 notices other than the Tribe notice were defective, what other remedial steps, if any, has the ABCC taken in respect of defective or invalid s.52 notices which were issued before the judgment was handed down in the Tribe prosecution?

**Answer**

*The Office of the Australian Building and Construction Commissioner has provided the following response:*

In one court proceeding, the ABCC sought legal advice from senior counsel about its legal position with respect to evidence obtained pursuant to a notice assumed to have the same defects as those identified in *CDPP v Tribe*.

Following the receipt of that advice, the ABCC took no other remedial steps in respect of defective or invalid s. 52 notices which were issued before the judgment in *CDPP v Tribe*.